

### **REMARKS**

Claims 2-5, 7-12, and 14-27 are now pending in the application. Claims 8 and 9 are currently amended. Claims 6 and 13 are cancelled by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2, 3, 6, 7, 9, 10, 13, 14, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Luo (U.S. Pat. No. 7,058,367 B1; "Luo") in view of Benveniste (U.S. Pub. No. 2003/0086437 A1; "Benveniste"). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Luo in view of Benveniste and Okawa (U.S. Pat. No. 6,842,442 B2; "Okawa"). Claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Luo in view of Benveniste and Kasami (U.S. Pub. No. 2002/0181492 A1; "Kasami"). This rejection is respectfully traversed.

Luo relates generally to a rate-adaptive method for communicating over multiple input/multiple output wireless systems. Luo appears to teach transmitting multiple signals simultaneously in different time slots. Luo does not disclose detecting when the radio channels are idle. The Examiner relies upon Benveniste to teach this aspect of the claimed invention. Moreover, Luo does not disclose transmitted data frames (i.e., packets) have the same packet time length.

Applicant's invention also relates to a wireless communication method. Of note, Applicant's invention is capable of transmitting plural data packets simultaneously between two stations while increasing the throughput even if power leakage occurs

between channels. When transmitting plural data packets simultaneously, there is a probability that receipt of acknowledgement packets will fail (refer to Figure 21 and accompanying description). To address this concern, Applicant proposes generating plural data packets having the same packet time length as recited in independent claims 2, 3, 4 and 18. For instance, claim 2 recites "transmitting plural data packets having the same packet time length simultaneously from one STA to another STA" in combination with other elements of the claim. This claimed feature ensures that acknowledgement packets are received as shown in Figure 21. Since none of the relied upon references teach or suggest this recited feature, it is respectfully submitted that the pending claims, along with claims depending therefrom, define patentable subject matter over this combination of references.

Claims 6 and 13 have been cancelled from the application, thereby rendering the rejection moot as to these claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

#### **ALLOWABLE SUBJECT MATTER**

Applicant respectfully acknowledges the Examiner's indication of the allowable claims. Applicant elects to defer rewriting the objected to claims until the Examiner has considered Applicant's arguments.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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